

SENATE BILL 3472

By Tate

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to mitigating factors for sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-113(8), is amended by  
deleting the subdivision in its entirety and by substituting instead the following:

(8) The defendant was suffering from a mental or physical condition that  
significantly reduced the defendant's culpability for the offense; however, the voluntary  
use of intoxicants does not fall within the purview of this factor, except that a history of  
drug abuse as a factor indicating diminished capacity may be considered;

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.